

Applicants: Frederic Ferrier et al.
Serial No.: 10/552,833
Filed: August 21, 2006
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REMARKS

Claims 1-26 were pending in the subject application. By this Amendment, applicants have hereinabove amended claims 1-25, cancelled claims 15-18 and 26 without disclaimer or prejudice as to applicants' right to pursue the subject matter of these claims in the future, and added new claims 27-32.

Support for new claim 27 can be found, *inter alia*, at page 6, lines 18-20. Support for new claim 28 can be found, *inter alia*, at page 6, lines 21-23. Support for new claim 29 can be found, *inter alia*, at page 6, lines 21-24. Support for new claim 30 can be found, *inter alia*, at page 13, lines 20-23. Support for new claim 31 can be found, *inter alia*, at page 12, lines 21-25. Support for new claim 32 can be found, *inter alia*, at page 13, lines 16-20.

Applicants maintain that the amendments to the claims raise no issue of new matter and respectfully request entry of this Amendment.

Election/Restriction

On page 2 of the March 31, 2010 Office Action, the Examiner required restriction under 35 U.S.C. §121 and §372 contending that the inventions identified by the Groups I-II below are patentably distinct, each from the other.

I. Claims 1-15 and 20-25, drawn to a process for the manufacture of aqueous suspensions of brochantite and/or antlerite having a content by weight of solids greater than 10%.

II. Claims 16-18 and 26, drawn to a cupric fungicidal composition obtained by a process of Group I.

The Examiner further stated that claim 19 is drawn to the "use of a fungicidal composition according to claim 15," but that the use of a

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composition is not a statutory claim and, therefore, claim 19 has not been included in groups I or II, above.

In response, applicants hereby elect, with traverse, the subject matter of Group II, i.e. claims 16-18 and 26, drawn to cupric fungicidal compositions. Applicants have hereinabove cancelled claims 16-18, and 26, and presented new product claims 27-32. Accordingly, new claims 27-32 encompass the elected invention.

Applicants request that the restriction requirement be withdrawn because the claims as amended hereinabove do not lack unity of invention under PCT Rule 13.1 and 37 C.F.R. §1.475. 37 C.F.R. §1.475(b) states, in part, that "[a]n international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories...(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product..."

New claims 27-32 recite a product, i.e. a Bordeaux mixture, claims 1-14, 20-25 recite a process for obtaining the Bordeaux mixture of claim 27, and amended claim 19 recites a method for the use of the Bordeaux mixture of claim 27. Therefore, the claims as amended hereinabove do not lack unity of invention and applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Applicants look forward to receiving an office action on the merits with respect to the claims pending in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the enclosed total fee of \$1,162.00, is deemed necessary in connection with the filing of this Amendment. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

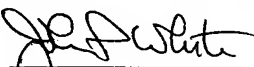
Respectfully submitted,



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Date